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DISTRICT OF UTAH  
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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH

LARETA THOMAS,

Plaintiff,

vs.

UNION PACIFIC RAILROAD COMPANY,

Defendant.

NOTICE OF REMOVAL

Civil No. **1:02CV00083** *TC*  
Judge \_\_\_\_\_

TO THE ABOVE-NAMED PLAINTIFF AND HER ATTORNEY, PATRICK D. OSMOND:

Defendant Union Pacific Railroad Company ("UPRR") gives notice of removal of the above-captioned action from the District Court of the Second Judicial District, Weber County, State of Utah, to the United States District Court for the District of Utah. This Notice of Removal is based on the following grounds:

1. On or about May 16, 2002, an action was commenced in the state court by the filing of a Complaint entitled Lareta Thomas v. Union Pacific Railroad Company.
2. On June 12, 2002, less than 30 days ago, a copy of the Summons and Complaint were served on UPRR through CT Corporation Systems, agent for service of process for UPRR.
3. On that date, UPRR, through its agent, accepted service of the Summons and Complaint.

4. Copies of the Summons and Complaint constituting all of the process and pleadings served on UPRR are attached to this Notice as Exhibit "A."

5. Plaintiff in this action seeks general damages in an amount to exceed \$100,000, as well as special and consequential damages. Accordingly, this amount exceeds the jurisdictional amount of \$75,000, exclusive of interest and costs.

6. Plaintiff claims to be a resident of the State of Utah. UPRR, at the time of commencement of the action, was and remains incorporated under the laws of the State of Delaware with its principal place of business in Omaha, Nebraska.

7. Based on the above, this Court has original jurisdiction in this action pursuant to 28 U.S.C. § 1332. There is also complete diversity of citizenship between the parties and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

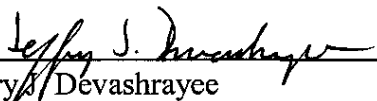
8. This action is therefore properly removed pursuant to 28 U.S.C. § 1441(a) and 1446.

9. Written notice of the filing of this Notice of Removal is being served this date on Plaintiff's counsel of record.

10. A true and correct copy of this Notice of Removal is being filed this date with the Clerk of the Court for the Second Judicial District Court, Weber County, State of Utah.

11. UPRR desires to remove this action to federal court as provided by law.

DATED this 28<sup>th</sup> day of June, 2002.

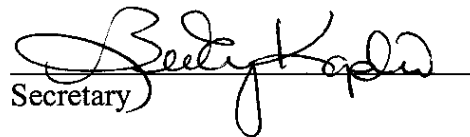
  
\_\_\_\_\_  
Jeffery S. Devashrayee  
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 28<sup>th</sup> day of June, 2002, a true, correct and complete copy of the foregoing was delivered upon the following attorneys as indicated below:

Patrick D. Osmond  
OSMOND LAW OFFICE  
4786 East 2600 North  
Eden, UT 84310

☒ U.S. Mail  
☐ Hand Delivered  
☐ Overnight  
☐ Facsimile  
☐ No Service

  
Secretary

Exhibits/  
Attachments  
to this document  
have **not** been  
scanned.

Please see the  
case file.